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"OUR CODE OF CONDUCT"

BY

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-OUR CODE OF CONDUCT-

It is important to remember and learn from our past mistakes so that we won't repeat them. Some of the most difficult things for us to learn and adopt are standards of conduct. The United States has established a Code of Conduct for its service men and women that was developed after learning many bitter lessons. It survives today as the six Articles of the Code of Conduct. I will discuss the purpose of that code, history of the code and look at what some Prisoners of War had to say about it.

The purpose of the Code is understood best by describing what it is **not**. The Code is **not** a criminal statute nor does it establish standards on which criminal prosecution can be based. It is a professional and inspirational document. It serves as a guideline for members of the Armed forces when in captured or detained status. The values formalized in the code are obligations of a service member to his country, his service, and his comrades. There are additional considerations relating to conduct, that are addressed in the Uniform Code of Military Justice (UCMJ) but these do not apply specifically to the prisoner of war situation.

All active duty Air Force personnel, even when in prisoner of war (POW) status remain subject to the Uniform Code of Military Justice (UCMJ). That is, if you do something that would be in violation of the UCMJ, even if you are a POW, you can still be prosecuted. If we consider the Code of Conduct more a statement of professional ethics than as Laws of conduct, it would more accurately convey its real purpose and intent. This intent is cultivated from a relatively short history of what we have learned from our mistakes.

The history of our expectations of a captive soldiers behavior is an interesting one. Long before the Korean War, the American soldier had some basis for his behavior as a captive. For example, the United States, during the American Revolution, established the death penalty for those prisoners who, after capture, took up arms in the service of the enemy. Additionally the Civil War, the War Department issued an order that it was the duty of the prisoner to escape. [3,1] These were simple rules and expectations, but they were something the soldier could look to for guidance when faced with capture.

The history of the code of conduct is in its infancy compared to our history of engaging in violent conflicts. It was developed in 1955 from studies of behavior of POW's and captors in Korea. Captives at this time did not expect an assault on their minds and spirits as well as their physical being.

It is interesting to note that the Turkish soldiers who fought during the Korean war were treated better than anyone and lost no men in the camps. General John E. Hull, USA, Commander-in-Chief of U.S. Army Forces in the Far East, from September 1953 to March 1955, believed that the Turkish POW's survived because they were well disciplined, were used to a rugged lifestyle, and spoke a language unfamiliar to the Korean interrogators.[3,3]

You may ask how the Geneva Convention might apply to captive situations. It is another historical document that set up rules. It sets forth, in detail, the rights and protections which should be afforded prisoners, but it does not specifically prescribe the conduct which a nation may require of its personnel who may become prisoners. [3,5]

The Code of Conduct was prescribed by Executive Order by Dwight D. Eisenhower on August 17, 1955, and since that time was changed only once.

Article I- I am an American fighting man. I serve in the forces which guard my country and our way of life. I am prepared to give my life in their defense.

This article makes it clear that the spirit of the American fighting man is dedicated to fulfilling the obligations in the safeguarding of our country, its traditions, and its ideals, even if that means risking death to do it.

Article II- I will never surrender of my own free will. If in command, I will never surrender my men while they still have the means to resist.

The difference between being captured and surrendering is what this article is all about. To be captured is to be taken prisoner; to surrender is to give up. Even when isolated, your primary duty is to evade capture and rejoin the nearest friendly forces. Teamwork is where this leads us.

Article III-If I am captured, I will continue to resist by all means available. I will make every effort to escape and aid others to escape. I will accept neither parole nor special favors from the enemy.

Almost every POW in his own way resisted when captured during Vietnam. Most were either caught in compromising positions, such as dangling from a parachute, or were so severely injured that resistance upon capture was difficult. Continuous resistance in a POW camp was difficult due to the duration of the captivity. "Virtually every POW can be made to do something he did not think he could be made to do if the treatment is sufficiently harsh and prolonged." [2,12] . "The Code specifies that a POW will attempt escape, it did not foresee U.S. prisoners sick from malnutrition, trying to escape from an Oriental country with mountains, rice paddies and monsoon seasons, where they stood a head taller than the local citizens."

Accepting favors from the captors was an especially tough decision to make. While on one hand the prisoners were requesting things of their captors such as paper and pencil to write letters, the conflict arose that to accept this would be accepting special favors. It was resolved, that if **everyone** was given the same treatment, that is, everyone had access to paper and pencil, that they all could

accept the token. If even one person was denied the paper and pencil, everyone would refuse.

Article IV-If I become a prisoner of war, I will keep faith with my fellow prisoners. I will give no information nor take part in any action which might be harmful to my comrades. If I am senior, I will take command. If not, I will obey the lawful orders of those appointed over me and will back them up in every way.

Almost all prisoners tried to avoid giving information to their captors that was harmful to their comrades, however escape attempts did result in severe disciplinary action towards others on a number of occasions. A chain of command in the POW camps was essential and provided the prisoners with a sense of cohesiveness and group strength. This command system was responsible for communication with the captors on the groups behalf and also provided for the dissemination of information within the group. This was key to survival.

Article V- When questioned, should I become a prisoner of war, I am bound to give only name, rank, service number, and date of birth. I will evade answering further questions to the utmost of my ability. I will make no oral or written statements disloyal to my country and its allies or harmful to their cause.

This was the most difficult Article for the soldier to understand. This practice of giving only the name, rank and serial number is actually ancient. Sometime during the crusades, the rule evolved that a captive knight was permitted to divulge only his name and rank--admissions necessitated by the game of ransom. [3,6]

However, as we progressed as a military service, the rules were strengthened. For example, Major General Carl A. Spat, USAAF, gave instructions to his men which repeatedly forbade telling of anything more than the

name, rank and serial number of the captive. Additionally the instructions commented that the enemy, "can do a lot to make you talk" but these instructions never considered the atrocities that POW's would later experience in Vietnam.

Many people think that the Code requires that they only provide their captors with their name, rank, social security number and date of birth. This is entirely inaccurate. Department of Defense (DOD) Directive 1300.7 fully **recognizes and authorizes** communication with the captor in a variety of situations, such as health and welfare matters, and camp administration. It also recognizes that inhumane treatment and the application of psychological techniques may force, in individual cases, involuntary departures from the standards. It does stress that one should never **voluntarily** depart from the standards of the Code for any reason. Every member is expected to comply with the code to the fullest extent of his physical, mental and moral resources.

"A will to resist is not acquired through military training in itself. It rests on character traits developed in our homes, school, churches and society. Military personnel with the *will* reinforced with the *skill* to resist are prepared for whatever their service has in store for them." [3,22] The Code is relying on society to raise individuals that have a strong sense of home, school, church and society. With this background, the soldier is at an advantage in dealing with whatever his captors deal him.

Article VI-I will never forget that I am an American fighting man, responsible for my actions, and dedicated to the principles which made my country free. I will trust in my God and in the United States of America.

Each POW knew they needed each other to stay alive, they knew they must use the Code as the glue to keep them together, keep them organized and to give them the inner strength to survive.

The Code is considered a Living Document. This means that it is subject to being supplemented by DOD policy statements and directives. For example, as a result of lessons learned in Vietnam, the Code was supplemented by this statement:

The U.S. approves any honorable release and prefers sick and wounded and long time prisoners first.

It is interesting to note that the Officer Training, Course -Five, mentioned that this Code that the professional military man as adopted, also could apply to the conduct of all Americans if the problem of survival should ever come to the streets of our hometowns. The committee that developed this course felt that the conscience and heart of all Americans was needed in support of the Code and that the best training that could be provided would be found in the home, schools and churches of our country. When drafting this code, the standards of the Ten Commandments, our Constitution and the position of the United States in world leadership was considered. [3,38] Others that have had input on the interpretation and development of the Code of Conduct are Prisoners of War.

The application of the Code of Conduct as interpreted through POW interviews is noteworthy. The following illustrates how those that "know" feel about the Code.

Interview with Captain Donald R. Spoon, regarding his captivity in Vietnam. When asked if he would advocate any change in the code of conduct, he replied, "...No, sir, I wouldn't. I would advocate a change in the interpretation and use of it. I think that primarily the way we used it there was a framework for formulating our rules and guidelines.

It was our primary reference. We had a monthly review of the Code of Conduct and we did use it and it was very valuable to us to keep us all in a motivational line, keeping our thoughts back on the United States.....The only thing I would recommend is just a proper interpretation. There were some problems with

interpretation between the Air Force and the Navy for example." He continues by discussing the problems people had with divulging only their names, ranks, serial numbers. He says that some of the people thought that they had to resist giving any more information, to their death. They found out that they couldn't do that, they found it very upsetting. Concluding his interview, Captain Spoon stated that this caused psychological problems that drove them "off the deep end" .[4,8]

General Horace M. Wade, interviewed after his captivity in Vietnam commented, when asked how he felt about the Code of Conduct and did he think it was a practical standard to work against? He replied that he felt that changes had already been made since the U. S. experience in Southeast Asia. He notes that there is always room for improvement. When he was asked about pilots that confessed to germ warfare after they had been under duress and torture he stated, "I, for one, felt that under torture a man will say or do most anything and you couldn't hold him responsible for what he said or did."

In Conclusion, the purpose of the Code of Conduct has not been entirely clear to everyone who is obligated to abide by it. Additionally, the history of the document itself is still evolving as the United States involves itself even deeper in conflicts around the world. It is probably safe to say that the Code of Conduct will continue to be interpreted as we made our way through the next decade.

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